

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROSIE MARTINEZ,

Plaintiff,

-against-

ORDER TO SHOW CAUSE
16 CV 79 (AMD) (CLP)

CITY OF NEW YORK *et al.*,

Defendants.

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POLLAK, United States Magistrate Judge:

On January 1, 2016, Rosie Martinez (“plaintiff”) commenced this Section 1983 civil rights action against the City of New York (the “City”) and John and Jane Doe 1 through 10 (“defendants”), seeking damages and attorney’s fees and costs for unreasonable force, assault and battery, negligent hiring, intentional and negligent infliction of emotional distress, and failure to intervene in violation of 42 U.S.C. § 1983, the Fourth and Fourteenth Amendments of the U.S. Constitution, and in violation of the Constitution of the State of New York.

On November 2, 2017, plaintiff filed her motion for contempt based on the defendants’ repeated and continued failure to comply with this Court’s Orders and the obligations imposed by the Federal Rules of Civil Procedure. (See Pl.’s Mot. for Contempt, Nov. 2, 2017, ECF No. 76). Plaintiff also seeks leave to file a motion for costs in connection with the instant motion and her prior motions to compel. (See id. at 2).

The Court observes that plaintiff has been forced to bring at least eight motions to compel since this action was filed in January 2016. (See ECF Nos. 14, 18, 21, 49, 59, 61, 69, 73). The Court has granted relief on at least part of each of those motions in over six Orders. (See ECF Nos. 20, 24, 54, 60, 72, 75). This is the seventh Order the Court has been forced to issue due to

defendants' continued failure to comply with their discovery obligations.

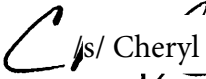
Accordingly, the defendants are ORDERED to appear in person before this Court on **November 9, 2017 at 9:00 a.m.** in Courtroom 13B South to show cause why sanctions should not be imposed under Rule 37 of the Federal Rules of Civil Procedure and why their failure to obey this Court's previous Orders should not be treated as contempt of Court.

Given that this is the Court's seventh Order regarding defendants' failure to comply with discovery obligations while Paul Hasan Johnson has been counsel of record, the Court further ORDERS that Mr. Johnson shall be accompanied by one of his supervisors from the Corporation Counsel for the City of New York at the November 9, 2017 show cause hearing.

The Clerk is directed to send copies of this Order to the parties either electronically through the Electronic Case Filing (ECF) system or by mail.

SO ORDERED.

Dated: Brooklyn, New York
November 3, 2017



Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York